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January 22, 2001

Ms. Magalie Roman Salas  
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The Portals  
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**JAN 22 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

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**JAN 22 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**Re: ET Docket No. 98-206/RM-9147; RM-9245; Applications of Broadwave USA et al.,  
PDC Broadband Corporation, and Satellite Receivers, Ltd., to provide a fixed  
service in the 12.2 – 12.7 GHz Band.**

Dear Ms. Salas:

On December 8, 2000, the Commission released a Further Notice of Proposed Rulemaking relating to the assignment of licenses for a newly-created Multichannel Video Distribution and Data Service ("MVDDS"), which is to operate in the 12.2 - 12.7 GHz frequency band. On December 21, 2000, Congress enacted Section 1012 of H.R. 5548, which requires the Commission to "provide for an independent technical demonstration of any terrestrial service technology proposed by any entity that has filed an application to provide terrestrial service in the [12.2 - 12.7 GHz] frequency band to determine whether the terrestrial service technology proposed to be provided by that entity will cause harmful interference to any direct broadcast satellite service."

Pursuant to 47 C.F.R. § 1.1206, enclosed are 12 copies – two for each docket or RM number file and for each of the three application files listed above – of the following two items:

- An *ex parte* letter with attachments dated January 12, 2001, from Northpoint Technology, Ltd., to Chairman Kennard that addresses the licensing of Northpoint's patented technology in order to carry out the tests required in connection with the MVDDS license applications of Northpoint's Broadwave affiliates. We apologize for the delay in filing this letter.

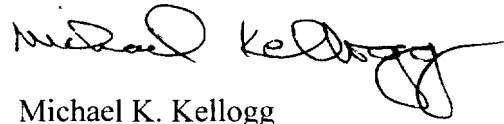
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Ms. Magalie Roman Salas,  
January 22, 2001  
Page 2

- A proposed license and cover letter, which were submitted *ex parte* to the Office of Engineering and Technology on January 22, 2001.

Any questions regarding this submission or the proposed licenses can be directed to my attention.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael Kellogg", with a stylized flourish at the end.

Michael K. Kellogg

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

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January 12, 2001

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**JAN 22 2001**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Via Hand Delivery**

The Honorable Chairman Kennard  
Federal Communications Commission  
The Portals  
445 Twelfth Street  
Washington, D.C. 20554

**Re: Applications of Broadwave USA to Provide  
Terrestrial Service in the 12.2-12.7 GHz Band**

Dear Chairman Kennard:

We write on behalf of Northpoint Technology, Ltd. and Broadwave USA (collectively "Northpoint") to address the independent technical demonstration of the Northpoint technology that we understand the Commission is to conduct in order to comply with Section 1012 of H.R. 5548, which was recently enacted as part of the Omnibus Consolidated Appropriations Act, Pub. L. 106-553, 114 Stat. 2762 (2000).

As we have explained in prior submissions, the Northpoint technology is the subject of issued and soon to be issued United States patents, among them U.S. Patent No. 5,761,605 ("the '605 patent") and U.S. Patent No. 6,169,878 ("the '878 patent"). A copy of each of the '605 and '878 patents is enclosed. The '605 and '878 patents concern, among other things, an apparatus and method for simultaneously providing terrestrially transmitted signals on a common frequency with direct broadcast satellite signals, in which the terrestrial signals are broadcast in an azimuth range outside the directional reception range of antennas that receive the direct broadcast satellite signals, i.e., the terrestrial signals are transmitted generally southward.

In conducting a demonstration of the Northpoint technology for the Commission, an independent tester will necessarily use Northpoint's patent rights, including the '605 and '878 patents. Absent a license from Northpoint, this use of Northpoint's patented technology for the Commission would infringe Northpoint's patent rights and would entitle Northpoint to reasonable and entire compensation for such infringement pursuant to 28 U.S.C. § 1498(a).

Northpoint is willing to extend an express, royalty-free license under its patents to the Commission to have a independent technical demonstration of the Northpoint technology conducted, provided that: (1) the demonstration and its results shall be used by the Commission solely for the purpose of arriving at a determination regarding the pending application of Northpoint; and (2) neither the demonstration nor its results shall be used or relied upon by the Commission in its determination as to whether any terrestrial service in the direct broadcast satellite frequency band proposed by any other applicant would cause harmful interference with any direct broadcast satellite service. (Other than the express license offered herein, there is no license, express or implied, under Northpoint's patents to the Commission or any independent tester engaged by the Commission.)

With regard to the pending applications of PDC Broadband Corporation ("Pegasus") and Satellite Receivers, Ltd. ("Satellite Receivers"), it appears from the limited descriptions provided by these applicants that the technology proposed by these applicants is, in fact, the Northpoint patented technology. The license offered herein to use Northpoint's technology for the required testing in connection with the applications of Northpoint's Broadwave affiliates does not extend to use for testing in connection with the applications of Pegasus or Satellite Receivers and any such use is strictly prohibited.

Please advise us whether the Commission is in agreement with the conditions set forth above for the grant of a license under Northpoint's patent rights for the purpose of conducting an independent technical demonstration of the Northpoint technology, and we will prepare an appropriate license.

Respectfully submitted,

  
Michael K. Kellogg

enclosures

cc: Hon. Commissioner Susan Ness  
Hon. Commissioner Harold W. Furchtgott-Roth  
Hon. Commissioner Michael K. Powell  
Hon. Commissioner Gloria Tristani

Christopher J. Wright, General Counsel  
Thomas J. Sugrue, Wireless Telecommunications Bureau  
Donald Ableson, International Bureau  
Bruce Franca, Office of Engineering and Technology



US005761605A

**United States Patent** [19]

Tawil et al.

[11] Patent Number: 5,761,605

[45] Date of Patent: Jun. 2, 1998

**[54] APPARATUS AND METHOD FOR REUSING SATELLITE BROADCAST SPECTRUM FOR TERRESTRIALLY BROADCAST SIGNALS****[75] Inventors:** Carmen Tawil; Saleem Tawil, both of Austin, Tex.**[73] Assignee:** Northpoint Technology, Ltd., Austin, Tex.**[21] Appl. No.:** 731,244**[22] Filed:** Oct. 11, 1996**[51] Int. Cl.<sup>6</sup>** ..... H04H 1/00; H04B 7/185**[52] U.S. Cl.** ..... 455/3.2; 455/13.3**[58] Field of Search** ..... 455/3.2, 427, 430, 455/12.1, 13.3, 63, 272, 188.1, 179.1; 348/6, 12, 13**[56] References Cited****U.S. PATENT DOCUMENTS**

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411486	1/1992	Japan	H04N 7/20
2249668	5/1992	United Kingdom	

*Primary Examiner*—Nguyen Vo*Attorney, Agent, or Firm*—Shaffer & Culbertson; Russell D. Culbertson**[57]****ABSTRACT**

A first antenna (16) at a user location (14) receives signals at a first frequency where the signals are travelling only within a first directional reception range as measured from a centerline (28) of the first antenna (16). The first antenna (16) has its centerline (28) aligned to receive direct broadcast satellite signals transmitted from a satellite in geosynchronous orbit about the earth. A second antenna (18) at the user location (14) receives signals at the first frequency where the signals are travelling only within a second directional reception range as measured from a centerline (30) of the second antenna (18). The second antenna (18) is aligned to receive signals transmitted at the first frequency from a terrestrial transmitting location remote from the user location. A terrestrial transmitter transmits signals at the first frequency and directionally within a terrestrial azimuth range from the terrestrial transmitting location. The terrestrial transmitting location is located with respect to the user location (14) such that the terrestrial transmitter (20) transmits in directions only outside of the directional reception range of the first antenna (16). The satellite (12) is positioned with respect to the user location (14) such that the satellite transmits directional in directions outside of the directional reception range of the second antenna (18).

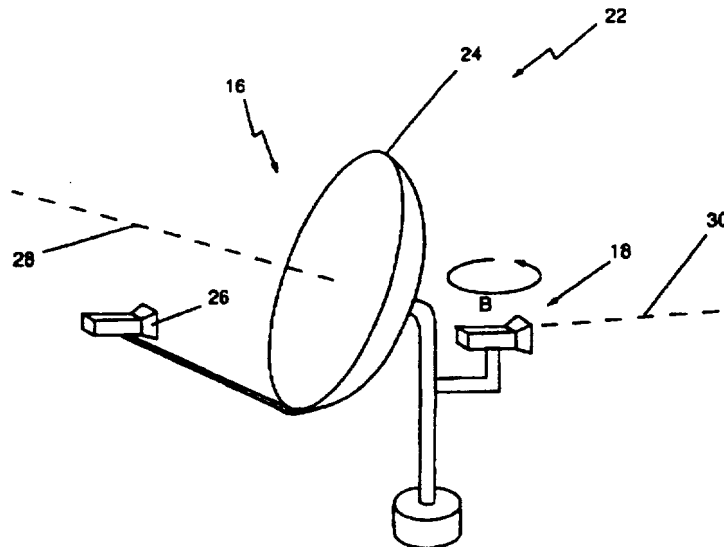
**12 Claims, 2 Drawing Sheets**

Figure 1

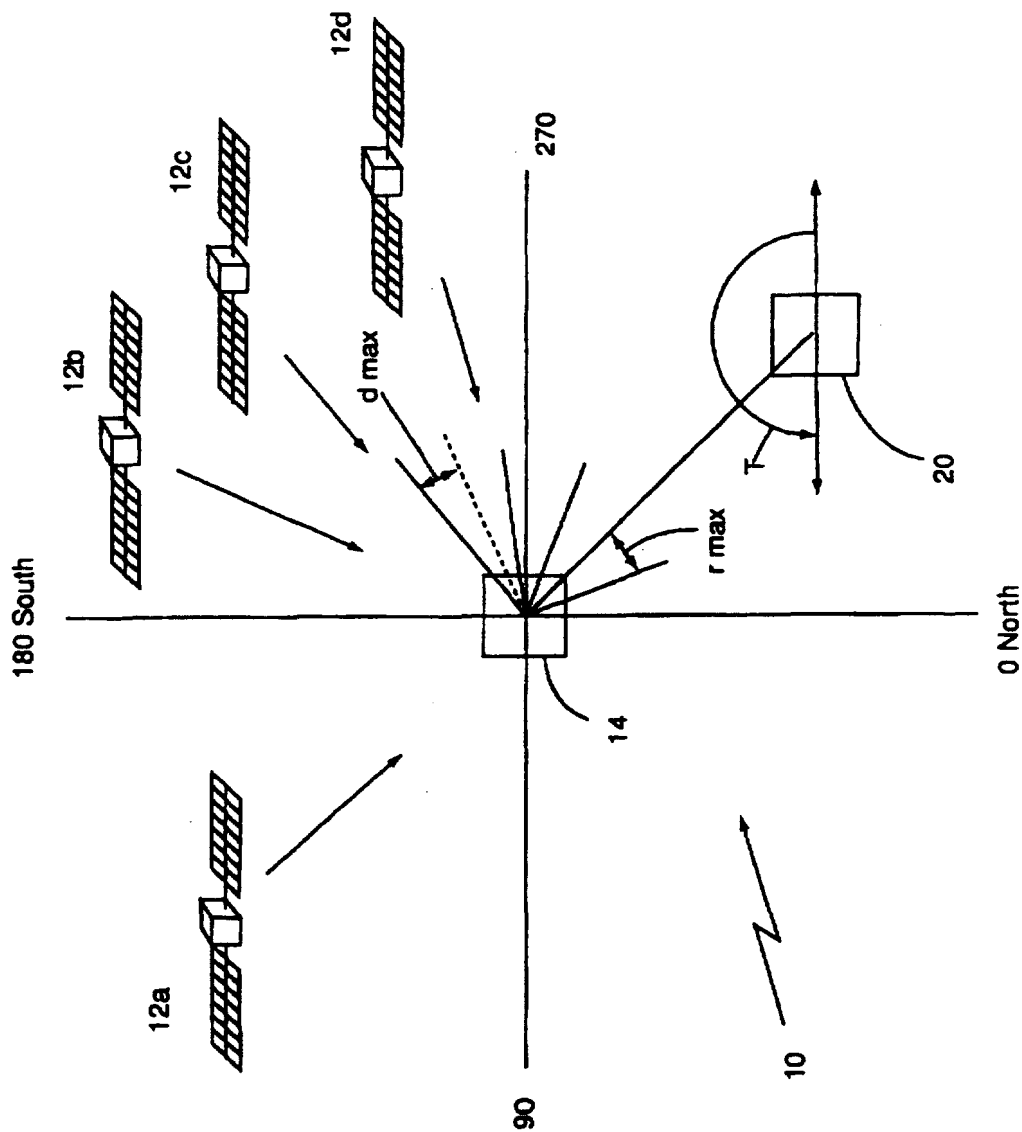


Figure 2

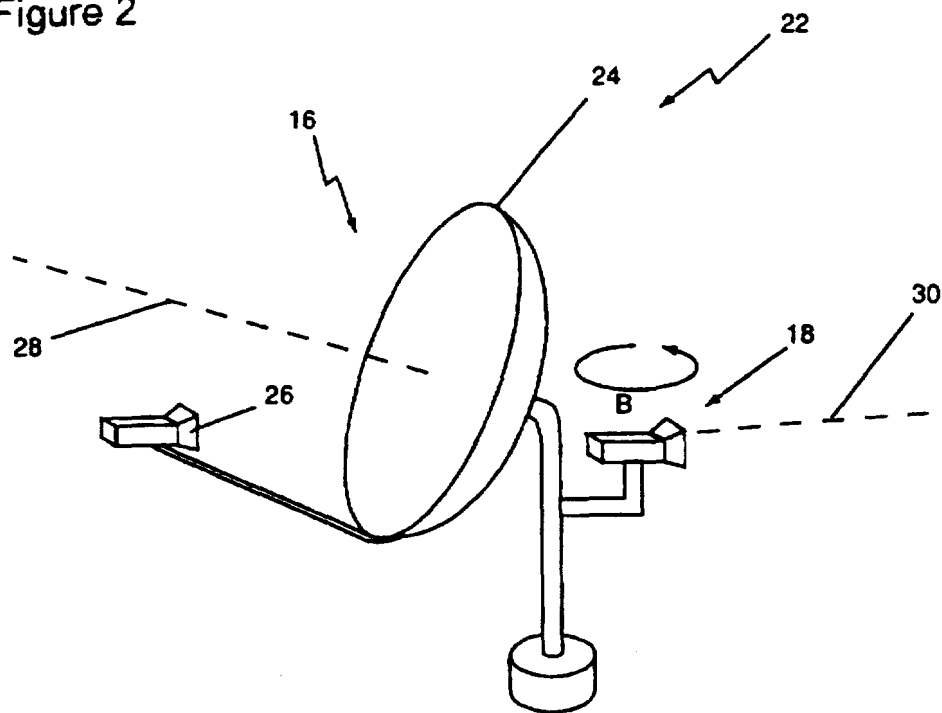
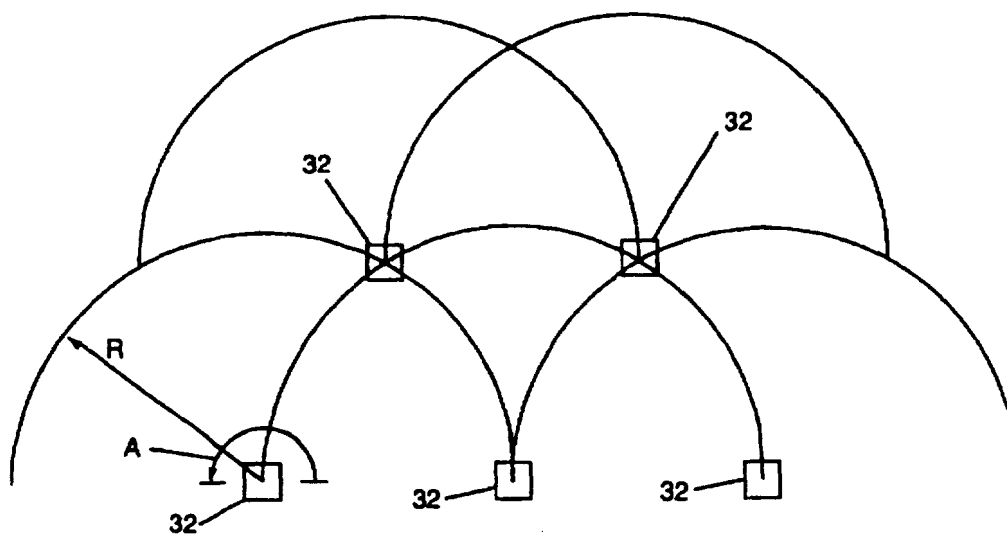


Figure 3



# APPARATUS AND METHOD FOR REUSING SATELLITE BROADCAST SPECTRUM FOR TERRESTRIALLY BROADCAST SIGNALS

## BACKGROUND OF THE INVENTION

This invention relates to apparatus and methods for broadcasting and receiving data, including digital television signals and voice signals. More particularly, this invention relates to an apparatus and method for providing terrestrial transmissions simultaneously along with direct broadcast satellite transmissions on a common frequency.

Currently, television signals may be received from a satellite in geosynchronous orbit about the earth. The television signals are transmitted from a terrestrial transmitter to the satellite and then retransmitted from the satellite so that the signals can be received by terrestrial receivers within a certain geographic receiving area within a line of sight of the satellite. In addition to television signals, other types of data may also be transmitted to consumers through satellites in geosynchronous orbit.

Direct broadcast satellite service (DBS) refers to satellite transmission of television signals directly for use by individual households or subscribers having the proper signal receiving equipment. The U.S. Federal Communications Commission has dedicated the electromagnetic spectrum from 12.2 gigahertz to 12.7 gigahertz for DBS broadcasting. Sixteen signal carriers are located within the DBS spectrum, each carrier carrying several individual television channels. Depending upon the compression technology applied to these signals, literally hundreds of separate channels may be available through DBS. A great benefit of the DBS system as opposed to prior satellite systems is that only a small dish-type antenna is required to receive the DBS signals and the alignment of the receiving dish is not critical. Also, the DBS system will provide high quality reception at any point in the geographic receiving area of a satellite without the expense of land transmission lines such as those required for cable television.

Current regulations require that DBS satellites be separated from each other by at least nine (9) degrees in a geosynchronous arc. The receiving antenna for DBS signals must, therefore, be limited to receiving signals in a directional range measuring plus or minus nine (9) degrees from a centerline of the antenna. Receiving signals in a range wider than the satellite spacing would cause interference by signals transmitted by different satellites on the same frequency.

U.S. Pat. No. 5,483,663 is directed to a system having a receiver arrangement in which DBS and terrestrial signals are received within similar frequency bands. The system shown in the 5,483,663 patent may be implemented with a multiple antenna arrangement, or with a single, moveable antenna. In the multiple antenna arrangement, two separate antennas direct the received signals to a common propagation path for processing as if they were received by a single antenna and transmitted from a single location. In the single antenna arrangement, the antenna is movable between a position to receive DBS signals and another position to receive terrestrial signals.

The advantage of the system shown in U.S. Pat. No. 5,483,663 is that local originating signals, whether television signals or other data, may be received simultaneously with DBS signals, and processed with the same equipment as that used to process the DBS signals. The local originating signals may carry local programming which may be received along with the national or regional DBS programming.

However, since the signals received in the system shown in U.S. Pat. No. 5,483,663 are combined or received on the same antenna structure at different points in time, terrestrial and DBS signals cannot be received simultaneously on a common frequency.

Despite the advantages of DBS and the advantages of the system shown in U.S. Pat. No. 5,483,663, the DBS system ties up a portion of the electromagnetic spectrum which would otherwise be available for terrestrial signal transmissions.

## SUMMARY OF THE INVENTION

It is an object of the invention to provide terrestrially transmitted signals simultaneously with satellite transmitted signals at the same frequency. The invention includes an apparatus and method for providing terrestrial and satellite signals simultaneously at a common frequency.

The object of the invention is accomplished by utilizing receiving antennas with a limited directional reception range and transmitting the terrestrial signals in a different range of directions than those in which the satellite signals are transmitted. The invention requires two separate receiving antennas feeding two sets of decoding and demodulating processing systems for utilizing the received signals. Both receiving antennas are adapted to receive signals only within a particular directional range. The range is measured from a centerline of the particular antenna.

In order to ensure no interference between the satellite and terrestrially transmitted signals, the terrestrial signals are transmitted directionally within a terrestrial azimuth range which is outside the azimuth range in which the satellite signals are transmitted either by a single satellite or multiple satellites. The terrestrial transmit azimuth range is chosen so that it does not include any directions in which the satellite signal receiving antenna must be directed to receive signals from any satellite. In order to cover a large area for local reception, a plurality of terrestrial transmitters are spread out over an area with directional transmitted areas overlapping to ensure the terrestrial signals may be received clearly at each location within the desired service area.

These and other objects, advantages, and features of the invention will be apparent from the following description of the preferred embodiments, considered along with the accompanying drawings.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a schematic representation showing the positions of a plurality of satellites in relation to a single terrestrial transmitter and a receiver or user location.

FIG. 2 is a somewhat schematic representation of a receiving antenna structure for receiving satellite and terrestrially transmitted signals at a common frequency.

FIG. 3 is a schematic representation of the spacing for a number of terrestrial transmitters required to allow reception over a large geographic area.

## DESCRIPTION OF THE PREFERRED EMBODIMENTS

The apparatus according to the invention for providing satellite and terrestrially transmitted signals simultaneously on the same frequency illustrated in FIGS. 1 and 2. As shown in FIG. 1, the system 10 may be utilized with one or more satellites in geosynchronous orbit about the earth. FIG. 1 shows four satellites 12a, 12b, 12c, and 12d spaced apart at four separate directions from a user location 14. In



geosynchronous orbit, each satellite remains at a fixed location with respect to the earth's surface, and thus, with respect to the user location 14. First and second antenna 16 and 18, respectively, which will be discussed in detail with reference to FIG. 2 are located at the user location 14.

Each of these satellites 12a-d is positioned in geosynchronous orbit about the center of the earth, and is positioned at a certain longitude and latitude above the earth's surface. As is known by those skilled in the art, a receiving antenna may be directed at a certain elevation and direction or azimuth toward a desired satellite location for receiving signals from the particular satellite.

Currently, all direct broadcast satellites within the line of sight of North America are positioned at longitudes and latitudes requiring the receiving antenna to face in a southerly direction from North America to receive signals. Although FIG. 1 shows four satellites 12a-d for purposes of describing the invention herein, more or fewer satellites may be spaced apart within a line of sight of a certain geographical area. Eight satellites are currently within a line of sight of North America. Table 1 sets out the longitudinal location of each satellite and for purposes of example, the azimuth and elevation at which a receiving antenna must be directed from a location at Austin, Tex. for receiving signals from each satellite. All azimuth directions and elevations are measured to a centerline of the antenna which will be discussed below with respect to FIG. 2. The term "azimuth" refers to the direction with respect to a reference direction such as due north, commonly zero degrees. "Elevation" refers to the angle of the antenna centerline above horizontal.

Satellite Longitude	Azimuth	Elevation
61.5	124.5	37.3
101	186.4	54.6
110	203.3	52.3
119	217.7	47.8
148	247.3	25.7
157	253.3	17.9
166	258.8	10.1
175	263.5	2.3

DBS satellites all transmit different signals in the same frequency band. The U.S. Federal Communications Commission has set aside the electromagnetic spectrum from 12.2 gigahertz to 12.7 gigahertz for DBS broadcasting. In order to ensure no interference from signals between two adjacent satellites, two conditions must be met. First, the receiving antenna must be limited to receive signals only within a certain reception range about the centerline of the antenna. Secondly, the satellites must be spaced apart about the geosynchronous arc so that a receiving antenna may be positioned with only a single satellite transmitting in the directional reception range of the antenna.

According to current regulations, individual DBS satellites must be separated at least nine (9) degrees in the geosynchronous arc. Thus, each DBS receiving antenna must have a directional reception range or aperture of plus or minus nine (9) degrees or less as measured from a centerline of the antenna. Although current regulations require a spacing of no less than nine (9) degrees separation, the invention is not limited to this degree of separation. However, according to the invention, the effective reception range of each first antenna or satellite reception antenna must be less than or equal to the minimum satellite separation angle.

FIG. 1 also shows a terrestrial transmitter 20 capable of transmitting in one or more frequencies identical to a frequency transmitted by one of the DBS satellites. The terrestrial transmitter 20 transmits directionally within a certain transmission range T. The transmission range T shown in FIG. 1 is 180 degrees, although the range may be more or less than this number.

The antenna structure 22 according to the invention at the user location 14 in FIG. 1 is illustrated by way of example in FIG. 2. The first antenna 16 is designed to receive direct broadcast satellite signals. The first antenna 16 includes a collecting dish 24 and a feed-horn assembly 26 for receiving the signals reflected and concentrated by the dish. Those skilled in the art will readily appreciate that the feed-horn assembly 26 includes a probe, which is not shown in FIG. 2, for picking up the signal received by the antenna. The probe feeds the signal to signal processing equipment for extracting information from the received signal. This signal processing equipment is well known in the art and does not form a part of this invention. Also, those skilled in the art will appreciate that numerous types of assemblies may be used alternatively to the feed-horn assembly 26 for collecting signals reflected by the dish 24.

The first antenna 16 includes an antenna centerline 28. As dictated by the frequency of the signal received, the first antenna 16 has a maximum directional reception range d max. as measured from the antenna centerline 28. Signals propagating in a direction outside of this reception range or aperture about the antenna centerline 28 cannot be received by the first antenna 16.

Referring still to FIG. 2, the antenna structure 22 at the user location 14 further includes the separate second antenna 18 for receiving the terrestrially transmitted signals. The second antenna 18 is shown as a feed-horn type antenna, however, those skilled in the art will readily appreciate that the second antenna may include a circular wave guide antenna, flat plate antenna, slot antenna, dipole antenna or multi-dipole antenna. Regardless of the antenna type, the antenna will include a suitable signal pick-up assembly for picking up the signal received by the antenna and feeding the signal to suitable signal processing equipment. This processing equipment is separate from the processing equipment for processing the signals received by the first antenna 16. Also, although the second antenna 18 is shown connected to the same structure as the first antenna 16, the first and second antennas may be completely separate. In any event, the second antenna 18 is preferably rotatable about a vertical axis as shown at B in FIG. 2 to direct the antenna for optimally receiving the terrestrial transmitted signals.

As with the first antenna 16, the second antenna 18 includes a centerline 30 and may receive signals travelling only within a directional reception range r max. about the antenna centerline 30. Signals travelling in a direction outside that range cannot be received by the second antenna 18.

Referring again to FIG. 1, the first antenna 16 according to the invention, is directed to receive signals from one of the satellites, satellite 12d for example. The azimuth and elevation at which the first antenna 16 must be directed for optimally receiving signals from satellite 12d may be 247.3 and 25.7 respectively, for example. The second antenna 18 is directed with its centerline 30 pointing generally to the terrestrial transmitting location of the terrestrial transmitter 20 and essentially horizontally. Ignoring the elevation difference between the first and second antennas 16 and 18, respectively, the azimuth difference between the centerlines

28 and 30 of the two antennas and this example is approximately 67.7 degrees.

In the orientation shown in FIG. 1, the first antenna 16 cannot receive signals from the terrestrial transmitter 20. The reason for this is that the directional signals transmitted from the terrestrial transmitter 20 are all travelling in a direction outside of the reception range of the first antenna 16. Similarly, the direction in which the satellite 12d transmits with respect to the user location 14 is outside of the reception range of the second antenna 18. Thus, the second antenna 18 cannot receive signals transmitted by the satellite 12d. Furthermore, in this example, the second antenna 18 cannot receive any signals transmitted by any of the satellites 12a-d. Thus, in the orientation of the first and second antenna 16 and 18 as shown in FIG. 1 and with the position of the satellites 12a-d and terrestrial transmitter 20, the terrestrial transmitter may transmit on a frequency identical to the frequency of signals transmitted by the satellites without any interference in the signals received at the two antennas.

Those skilled in the art will readily appreciate that the elevation of the first antenna 16 may be high enough with respect to horizontal so that the second antenna 18 may be aligned along the same azimuth as the first antenna without any interference between the signals received by the two antennas on the identical frequency. However, where there are numerous satellites at different azimuths and elevations with respect to the user location 14, the first and second antennas 16 and 18 may have to be positioned at different azimuths as illustrated in FIG. 1 in order to prevent interference.

Referring to FIG. 3, a plurality of terrestrial transmitters 32 are required to provide a signal strong enough to be received over a large area. Each transmitter 32 in FIG. 3 transmits directionally in an azimuth range A of approximately 180 degrees and out to an effective reception range R. With this transmitter spacing and transmission range, the signals from the terrestrial transmitters may be received from any location within the geographic area G. Although the directional range of 180 degrees is shown for purposes of example, the terrestrial transmissions may be in other ranges within the scope of this invention.

The method according to the invention comprises receiving satellite signals in a first frequency with the first antenna 16. The first antenna 16 is adapted to receive signals only within a first directional reception range from the antenna centerline 28. The method also includes transmitting signals in the first frequency directionally in a range outside of the directional reception range of the first antenna 16. Signals transmitted by the terrestrial transmitter are received by the second antenna 18 at the user location 14. The second antenna 18 is also adapted to receive signals only within a directional reception range with respect to the antenna centerline 30.

This combination of directional receiving antennas 16 and 18, and directional terrestrial transmission allows terrestrial transmissions at an identical frequency as that used by satellites, and particularly DBS without interference between the two transmissions. This allows the DBS spectrum and perhaps other satellite spectra to be reused for terrestrial transmissions. The terrestrial transmissions may be for television signals or any other data, including internet communications, voice data, other video, or any other type of data.

The above described preferred embodiments are intended to illustrate the principles of the invention, but not to limit

the scope of the invention. Various other embodiments and modifications to these preferred embodiments may be made by those skilled in the art without departing from the scope of the following claims.

We claim:

1. An apparatus for simultaneously providing terrestrially transmitted signals on a common frequency with direct broadcast satellite signals transmitted from a satellite in a first satellite location in geosynchronous orbit about the earth, the apparatus comprising:

(a) a first antenna at a user location for receiving signals at a first frequency only within a first directional reception range as measured from a centerline of the first antenna, the first antenna having its centerline aligned to receive direct broadcast satellite signals transmitted from the satellite;

(b) a second antenna at the user location for receiving signals at the first frequency only within a second directional reception range as measured from a centerline of the second antenna, the second antenna being aligned to receive signals transmitted at the first frequency from a terrestrial transmitter location remote from the user location with the direct broadcast satellite signals transmitted in directions outside of the second directional reception range; and

(c) a terrestrial transmitter for transmitting signals at the first frequency and directionally within a terrestrial azimuth range from the terrestrial transmitter location, the terrestrial transmitter location being located with respect to the user location such that the terrestrial transmitter transmits in directions only outside of the directional reception range of the first antenna.

2. The apparatus of claim 1 wherein direct broadcast satellite signals are transmitted from a plurality of satellites in geosynchronous orbit, each satellite separated from each other satellite in a geosynchronous arc by an angle greater than the first directional range of the first antenna and each satellite within a satellite azimuth range within which the first antenna may be positioned to receive signals from any of the satellites, and wherein:

(a) the terrestrial azimuth range is separated from the satellite azimuth range by an angle greater than approximately the sum of directional reception range of the first antenna and the directional reception range of the second antenna.

3. The apparatus of claim 2 further comprising:

(a) a plurality of terrestrial transmitters each transmitting from a different terrestrial transmission location and each transmitting in a substantially common azimuth range.

4. The apparatus of claim 1 wherein the first frequency is in a range of 12.2 gigahertz to 12.7 gigahertz.

5. The apparatus of claim 1 wherein the first frequency is above 12.2 gigahertz.

6. The apparatus of claim 1 wherein the second antenna is selected from the group consisting of circular wave guide antennas, feed-horn antennas, flat plate antennas, slot antennas, dipole antennas, and multi-dipole antennas.

7. The apparatus of claim 1 wherein the directional reception range of the first antenna is approximately nine (9) degrees.

8. A method for simultaneously providing local originating signals on a common frequency with direct broadcast satellite signals transmitted from a satellite, where the satellite is in a first satellite location in geosynchronous orbit about the earth, the method comprising the steps of:

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- (a) at a user location, receiving direct broadcast satellite signals at a first frequency with a first antenna adapted to receive signals at the first frequency only within a first directional reception range as measured from a centerline of the first antenna;
- (b) transmitting terrestrial signals at the first frequency and in a terrestrial azimuth range from a terrestrial transmitter, the terrestrial azimuth range being outside of the directional reception range of the first antenna positioned to receive direct broadcast satellite signals from the satellite; and
- (c) at the user location, remote from the terrestrial transmitter, receiving the terrestrial signals with a second antenna adapted for receiving signals at the first frequency only within a second directional reception range as measured from a centerline of the second antenna, the second antenna being aligned so that the

8

direct broadcast satellite signals transmitted by the satellite are not transmitted within the directional reception range of the second antenna.

9. The method of claim 8 further comprising the step of:

- (a) transmitting terrestrial signals at the first frequency and terrestrial azimuth range from a plurality of terrestrial transmitters.

10. The method of claim 8 wherein the first frequency is in the range of 12.2 gigahertz to 12.7 gigahertz.

11. The method of claim 8 wherein the first frequency is above 12.2 gigahertz.

12. The method of claim 8 wherein the directional range of the first and second antenna is approximately nine (9) degrees from the antenna centerline.

\* \* \* \* \*



US006169878B1

(12) **United States Patent**  
Tawil et al.

(10) Patent No.: **US 6,169,878 B1**  
(45) Date of Patent: **\*Jan. 2, 2001**

(54) **APPARATUS AND METHOD FOR TRANSMITTING TERRESTRIAL SIGNALS ON A COMMON FREQUENCY WITH SATELLITE TRANSMISSIONS**

(75) Inventors: **Carmen Tawil; Saleem Tawil**, both of Austin, TX (US)

(73) Assignee: **Northpoint Technology, Ltd.**, Austin, TX (US)

(\*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

Under 35 U.S.C. 154(b), the term of this patent shall be extended for 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **08/991,265**

(22) Filed: **Dec. 16, 1997**

**Related U.S. Application Data**

(63) Continuation of application No. 08/731,244, filed on Oct. 11, 1996, now Pat. No. 5,761,605.

(51) Int. Cl.<sup>7</sup> ..... **H04H 1/00; H04B 7/185**

(52) U.S. Cl. .... **455/3.2; 455/13.3**

(58) Field of Search ..... **455/3.2, 13.3, 455/427, 430, 12.1, 63, 272, 188.1, 179.1, 561, 562; 348/6, 12, 13; 343/878-879, 725, 893, DIG. 2, 705**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

5,604,508 \* 2/1997 Atkinson ..... 343/879  
5,729,825 \* 3/1998 Kostreski et al. .... 455/3.1

\* cited by examiner

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(74) *Attorney, Agent, or Firm*—Shaffer & Culbertson, I.I.P.; Russell D. Culbertson

(57) **ABSTRACT**

A first antenna (16) at a user location (14) receives signals at a first frequency where the signals are travelling only within a first directional reception range as measured from a centerline (28) of the first antenna (16). The first antenna (16) has its centerline (28) aligned to receive direct broadcast satellite signals transmitted from a satellite in geosynchronous orbit about the earth. A second antenna (18) at the user location (14) receives signals at the first frequency where the signals are travelling only within a second directional reception range as measured from a centerline (30) of the second antenna (18). The second antenna (18) is aligned to receive signals transmitted at the first frequency from a terrestrial transmitting location remote from the user location. A terrestrial transmitter transmits signals at the first frequency and directionally within a terrestrial azimuth range from the terrestrial transmitting location. The terrestrial transmitting location is located with respect to the user location (14) such that the terrestrial transmitter (20) transmits in directions only outside of the directional reception range of the first antenna (16). The satellite (12) is positioned with respect to the user location (14) such that the satellite transmits directional in directions outside of the directional reception range of the second antenna (18).

**23 Claims, 2 Drawing Sheets**

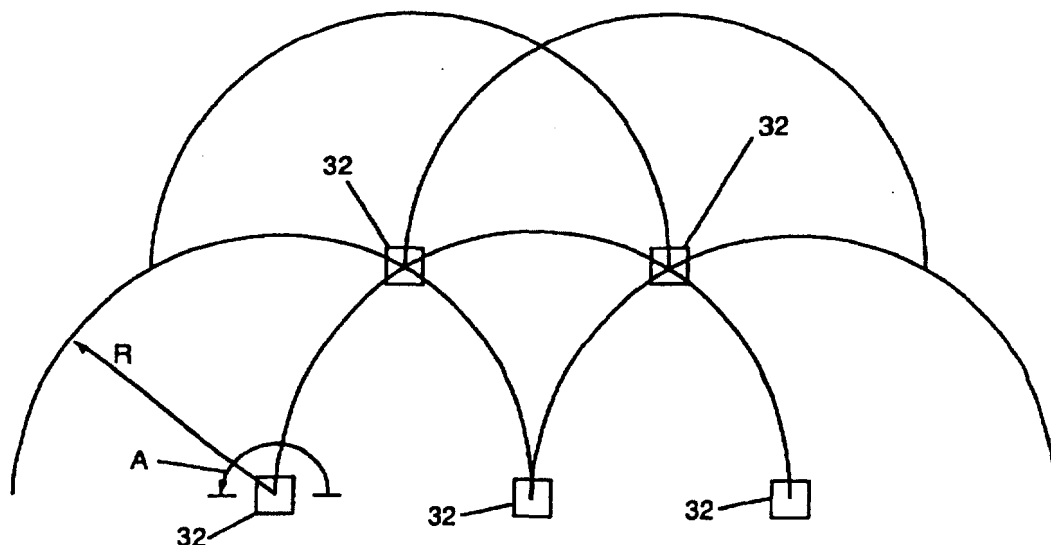


Figure 1

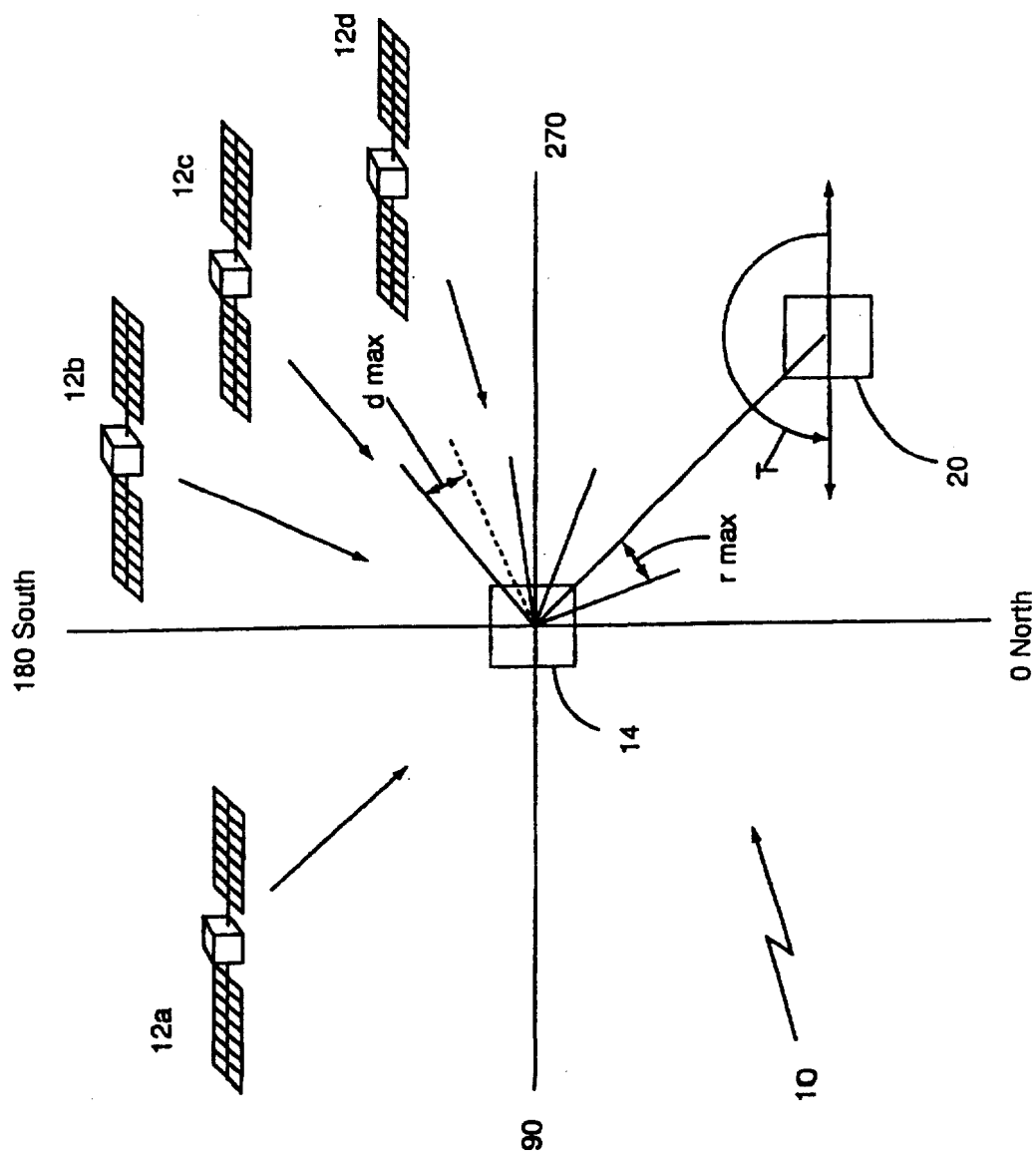


Figure 2

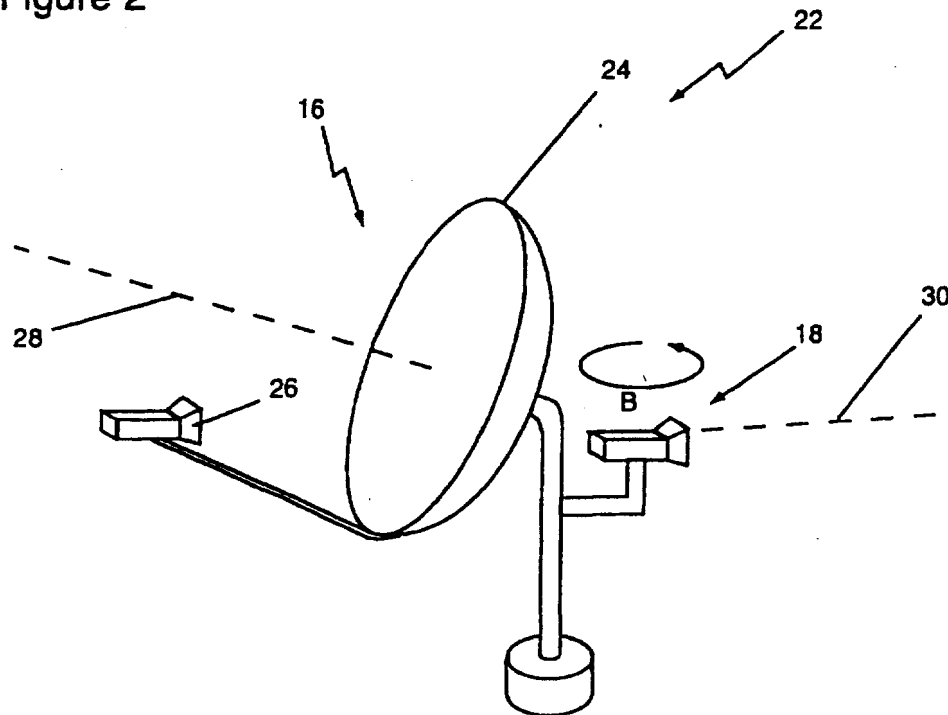
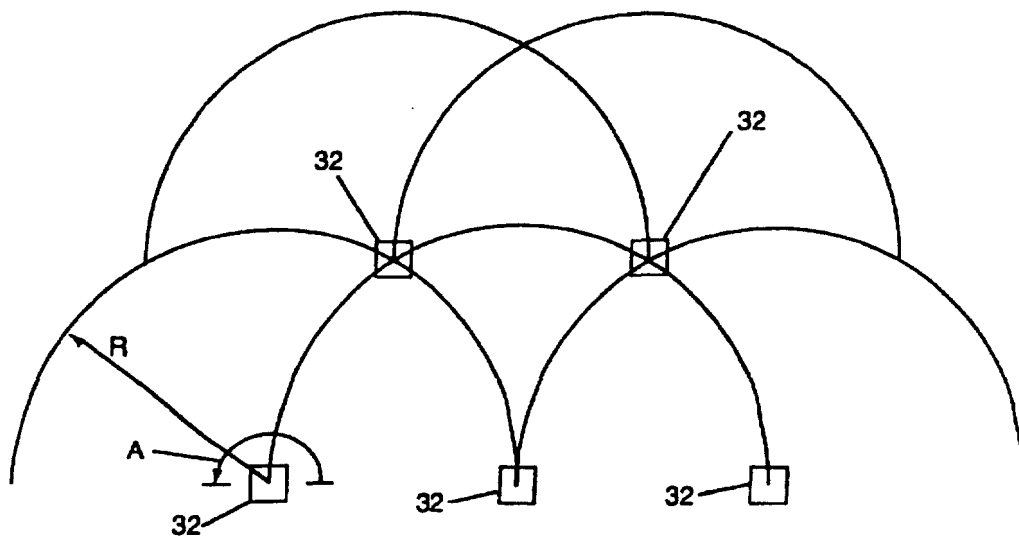


Figure 3



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# APPARATUS AND METHOD FOR TRANSMITTING TERRESTRIAL SIGNALS ON A COMMON FREQUENCY WITH SATELLITE TRANSMISSIONS

This application is a continuation of application Ser. No. 08/731,244, filed Oct. 11, 1996, now U.S. Pat. No. 5,761,605.

## BACKGROUND OF THE INVENTION

This invention relates to devices and methods for broadcasting and receiving data, including digital television signals and voice signals. More particularly, this invention relates to an apparatus and method for providing terrestrial transmissions simultaneously along with direct broadcast satellite transmissions on a common frequency.

Currently, television signals may be received from a satellite in geosynchronous orbit about the earth. The television signals are transmitted from a terrestrial transmitter to the satellite and then retransmitted from the satellite so that the signals can be received by terrestrial receivers within a certain geographic receiving area within a line of sight of the satellite. In addition to television signals, other types of data may also be transmitted to consumers through satellites in geosynchronous orbit.

Direct broadcast satellite service (DBS) refers to satellite transmission of television signals directly for use by individual households or subscribers having the proper signal receiving equipment. The U.S. Federal Communications Commission has dedicated the electromagnetic spectrum from 12.2 gigahertz to 12.7 gigahertz for DBS broadcasting. Numerous signal carriers are located within the DBS spectrum, each carrier carrying several individual television channels. Depending upon the compression technology applied to these signals, literally hundreds of separate channels may be available through DBS. A great benefit of the DBS system as opposed to prior satellite systems is that only a small dish-type antenna is required to receive the DBS signals and the alignment of the receiving dish is not critical. Also, the DBS system will provide high quality reception at any point in the geographic receiving area of a satellite without the expense of land transmission lines such as those required for cable television.

Current regulations require that DBS satellites be separated from each other by at least nine (9) degrees in a geosynchronous arc. The receiving antenna for DBS signals must, therefore, be limited to receiving signals in a directional range measuring plus or minus nine (9) degrees from a centerline of the antenna. Receiving signals in a range wider than the satellite spacing would cause interference by signals transmitted by different satellites on the same frequency.

U.S. Pat. No. 5,483,663 is directed to a system having a receiver arrangement in which DBS and terrestrial signals are received within similar frequency bands. The system shown in the U.S. Pat. No. 5,483,663 may be implemented with a multiple antenna arrangement, or with a single, moveable antenna. In the multiple antenna arrangement, two separate antennas direct the received signals to a common propagation path for processing as if they were received by a single antenna and transmitted from a single location. In the single antenna arrangement, the antenna is moveable between a position to receive DBS signals and another position to receive terrestrial signals.

The advantage of the system shown in U.S. Pat. No. 5,483,663 is that local originating signals, whether televi-

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sion signals or other data, may be received simultaneously with DBS signals, and processed with the same equipment as that used to process the DBS signals. The local originating signals may carry local programming which may be received along with the national or regional DBS programming.

However, since the signals received in the system shown in U.S. Pat. No. 5,483,663 are combined or received on the same antenna structure at different points in time, terrestrial and DBS signals on a common frequency cannot be utilized simultaneously.

## SUMMARY OF THE INVENTION

It is an object of the invention to provide terrestrially transmitted signals simultaneously with satellite transmitted signals at the same frequency. The invention includes an apparatus and method for providing terrestrial signals simultaneously at a common frequency with satellite signals.

The object of the invention is accomplished by utilizing receiving antennas with a limited directional reception range and transmitting the terrestrial signals in a different range of directions than those in which the satellite signals are transmitted. Two separate receiving antennas feeding two sets of decoding and demodulating processing systems are required for utilizing the received signals. Both receiving antennas are adapted to receive signals only within a particular directional range. The range is measured from a centerline of the particular antenna.

In order to ensure no interference between the satellite and terrestrially transmitted signals, the terrestrial signals are transmitted directionally within a terrestrial azimuth range which is outside the azimuth range in which the satellite signals are transmitted either by a single satellite or multiple satellites. The terrestrial transmission azimuth range is chosen so that it does not include any directions in which the satellite signal receiving antenna must be directed to receive signals from any satellite. In order to cover a large area for local reception, a plurality of terrestrial transmitters are spread out over an area with directional transmission areas overlapping to ensure the terrestrial signals may be received clearly at each location within the desired service area.

These and other objects, advantages, and features of the invention will be apparent from the following description of the preferred embodiments, considered along with the accompanying drawings.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a schematic representation showing the positions of a plurality of satellites in relation to a single terrestrial transmitter and a receiver or user location.

FIG. 2 is a somewhat schematic representation of a receiving antenna structure for receiving satellite and terrestrial transmitted signals at a common frequency.

FIG. 3 is a schematic representation of the spacing for a number of terrestrial transmitters required to allow reception over a large geographic area.

## DESCRIPTION OF THE PREFERRED EMBODIMENTS

The apparatus according to the invention for providing terrestrially transmitted signals simultaneously on the same frequency as satellite signals is illustrated in FIGS. 1 and 2. As shown in FIG. 1, the system 10 may be utilized with one or more satellites in geosynchronous orbit about the earth.

FIG. 1 shows four satellites 12a, 12b, 12c, and 12d spaced apart at four separate directions from a user location 14. In geosynchronous orbit, each satellite remains at a fixed location with respect to the earth's surface, and thus, with respect to the user location 14. First and second antenna 16 and 18, respectively, which will be discussed in detail with reference to FIG. 2 are located at the user location 14.

Each of these satellites 12a-d is positioned in geosynchronous orbit about the center of the earth, and is positioned at a certain longitude and latitude above the earth's surface. As is known by those skilled in the art, a receiving antenna may be directed at a certain elevation and direction or azimuth toward a desired satellite location for receiving signals from the particular satellite.

Currently, all direct broadcast satellites within the line of sight of North America are positioned at longitudes and latitudes requiring the receiving antenna to face in a southerly direction from North America to receive signals. Although FIG. 1 shows four satellites 12a-d for purposes of describing the invention herein, more or fewer satellites may be spaced apart within a line of sight of a certain geographical area. Several satellites are currently within a line of sight of North America. Table 1 sets out the longitudinal location of each satellite and for purposes of example, the azimuth and elevation at which a receiving antenna must be directed from a location at Austin, Texas for receiving signals from each satellite. All azimuth directions and elevations are measured to a centerline of the antenna which will be discussed below with respect to FIG. 2. The term "azimuth" refers to the direction with respect to a reference direction such as due north, commonly zero degrees. "Elevation" refers to the angle of the antenna centerline above horizontal.

TABLE 1

Satellite Longitude	Azimuth	Elevation
01.5	124.5	37.3
101	186.4	54.6
110	203.3	52.3
119	217.7	47.8
148	247.3	25.7
157	253.3	17.9
166	258.8	10.1
175	262.5	2.3

DBS satellites all transmit different signals in the same frequency band. The U.S. Federal Communications Commission has set aside the electromagnetic spectrum from 12.2 gigahertz to 12.7 gigahertz for DBS broadcasting. In order to ensure no interference from signals between two adjacent satellites, two conditions must be met. First, the receiving antenna must be limited to receive signals only within a certain reception range about the centerline of the antenna. Secondly, the satellites must be spaced apart about the geosynchronous arc so that a receiving antenna may be positioned with only a single satellite transmitting in the directional reception range of the antenna.

According to current regulations, individual DBS satellites must be separated at least nine (9) degrees in the geosynchronous arc. Thus, each DBS receiving antenna must have a directional reception range or aperture of plus or minus nine (9) degrees or less as measured from a centerline of the antenna. Although current regulations require a spacing of no less than nine (9) degrees separation, the invention is not limited to this degree of separation. However, according to the invention, the effective reception

range of each first antenna or satellite reception antenna must be less than or equal to the minimum satellite separation angle.

FIG. 1 also shows a terrestrial transmitter 20 capable of transmitting in one or more frequencies identical to a frequency transmitted by one of the DBS satellites. The terrestrial transmitter 20 transmits directionally within a certain transmission range T. The transmission range T shown in FIG. 1 is 180 degrees, although the range may be more or less than this number.

The antenna structure 22 which may be used at user location 14 (FIG. 1) to pick up signals transmitted according to the invention is illustrated in FIG. 2. The first antenna 16 is designed to receive direct broadcast satellite signals. The first antenna 16 includes a collecting dish 24 and a feed-horn assembly 26 for receiving the signals reflected and concentrated by the dish. Those skilled in the art will readily appreciate that the feed-horn assembly 26 includes a probe, which is not shown in FIG. 2, for picking up the signal received by the antenna. The probe feeds the signal to signal processing equipment for extracting information from the received signal. This signal processing equipment is well known in the art and does not form a part of this invention. Also, those skilled in the art will appreciate that numerous types of assemblies may be used alternatively to the feed-horn assembly 26 for collecting signals reflected by the dish 24.

The first antenna 16 includes an antenna centerline 28. As dictated by the frequency of the signal received, the first antenna 16 has a maximum directional reception range d max. as measured from the antenna centerline 28. The total reception range for antenna 16 shall be referred to in this disclosure and the accompanying claims as the "satellite" or "first" directional reception range, and is equal to two times the reception range d max. Signals propagating in a direction outside of this satellite directional reception range or aperture about the antenna centerline 28 from user location 14 cannot be received by the first antenna 16.

Referring still to FIG. 2, the antenna structure 22 at the user location 14 further includes the separate second antenna 18 for receiving the terrestrially transmitted signals. The second antenna 18 is shown as a feed-horn type antenna, however, those skilled in the art will readily appreciate that the second antenna may include a circular wave guide antenna, flat plate antenna, slot antenna, dipole antenna or multi-dipole antenna. Regardless of the antenna type, the antenna will include a suitable signal pick-up assembly for picking up the signal received by the antenna and feeding the signal to suitable signal processing equipment. This processing equipment is separate from the processing equipment for processing the signals received by the first antenna 16. Also, although the second antenna 18 is shown connected to the same structure as the first antenna 16, the first and second antennas may be completely separate. In any event, the second antenna 18 is preferably rotatable about a vertical axis as shown at B in FIG. 2 to direct the antenna for optimally receiving the terrestrial transmitted signals.

As with the first antenna 16, the second antenna 18 includes a centerline 30 and may receive signals travelling only within a directional reception range r max. about the antenna centerline 30. The total reception range for second antenna 18 shall be referred to in this disclosure and the accompanying claims as the "terrestrial" or "second" directional reception range, and is equal to two times the reception range r max. Signals travelling to user location 14 along a route outside that terrestrial directional reception range cannot be received by the second antenna 18.



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Referring again to FIG. 1, the first antenna 16 according to the invention, is directed to receive signals from one of the satellites, satellite 12d for example. The azimuth and elevation at which the first antenna 16 must be directed for optimally receiving signals from satellite 12d may be 247.3 and 25.7 respectively, for example. The second antenna 18 is directed with its centerline 30 pointing generally to the terrestrial transmitting location of the terrestrial transmitter 20 and essentially horizontally. Ignoring the elevation difference between the first and second antennas 16 and 18, respectively, the azimuth difference between the centerlines 28 and 30 of the two antennas and this example is approximately 67.7 degrees.

In the orientation shown in FIG. 1, the first antenna 16 cannot receive signals from the terrestrial transmitter 20. The reason for this is that the directional signals transmitted from the terrestrial transmitter 20 are all travelling in a direction or along a route outside of the satellite directional reception range of the first antenna 16. Similarly, the direction in which the satellite 12d transmits with respect to the user location 14 is outside of the terrestrial directional reception range of the second antenna 18. Thus, the second antenna 18 cannot receive signals transmitted by the satellite 12d. Furthermore, in this example, the second antenna 18 cannot receive any signals transmitted by any of the satellites 12a-d. Thus, in the orientation of the first and second antenna 16 and 18 as shown in FIG. 1 and with the position of the satellites 12a-d and terrestrial transmitter 20, the terrestrial transmitter may transmit on a frequency identical to the frequency of signals transmitted by the satellites without any interference in the signals received at the two antennas.

Those skilled in the art will readily appreciate that the elevation of the first antenna 16 may be high enough with respect to horizontal so that the second antenna 18 may be aligned along the same azimuth as the first antenna without any interference between the signals received by the two antennas on the identical frequency. However, where there are numerous satellites at different azimuths and elevations with respect to the user location 14, the first and second antennas 16 and 18 may have to be positioned at different azimuths as illustrated in FIG. 1 in order to prevent interference.

Referring to FIG. 3, a plurality of terrestrial transmitters 32 are required to provide a signal strong enough to be received over a large area. Each transmitter 32 in FIG. 3 transmits directionally in an azimuth range A of approximately 180 degrees and out to an effective reception range R. With this transmitter spacing and transmission range, the signals from the terrestrial transmitters may be received from any location within the geographic area G. Although the directional range of 180 degrees is shown for purposes of example, the terrestrial transmissions may be in other ranges within the scope of this invention.

The method according to the invention is used in situations in which satellite signals are being transmitted in a first frequency for reception with the first antenna 16. The first antenna 16 is adapted to receive signals only within the satellite directional reception range about the antenna centerline 28. The method includes transmitting signals in the first frequency directionally in a range outside of the satellite directional reception range of the first antenna 16. Signals transmitted by the terrestrial transmitter are received by the second antenna 18 at the user location 14. The second antenna 18 is adapted to receive signals only within the terrestrial directional reception range about the antenna centerline 30.

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This directional terrestrial transmission according to the invention allows terrestrial transmission at an identical frequency as that used by satellites, and particularly DBS without interference between the two transmissions. This allows the DBS spectrum and perhaps other satellite spectra to be reused for terrestrial transmissions. The terrestrial transmissions may be for television signals or any other data, including internet communications, voice data, other video, or any other type of data.

The above described preferred embodiments are intended to illustrate the principles of the invention, but not to limit the scope of the invention. Various other embodiments and modifications to these preferred embodiments may be made by those skilled in the art without departing from the scope of the following claims.

What is claimed is:

1. An apparatus for simultaneously transmitting terrestrial signals on a common frequency with satellite signals transmitted from a satellite, the satellite transmitting satellite signals at a first frequency to a user location for reception only within a satellite directional reception range about the user location, the apparatus comprising:

(a) a directional terrestrial transmitter for transmitting terrestrial signals at the first frequency in a limited azimuth range around the location of the terrestrial transmitter, the terrestrial transmitter being located with respect to the user location such that the terrestrial transmitter transmits to the user location along a route which is outside of the satellite directional reception range.

2. The apparatus of claim 1 wherein satellite signals are transmitted from a plurality of satellites in geosynchronous orbit, each satellite separated from each other satellite in a geosynchronous arc by an angle greater than one half of the satellite directional reception range and the satellites together transmit satellite signals to the user location only within a combined satellite signal transmission range about the user location, and wherein:

(a) the terrestrial transmitter transmits only in directions which are outside of the combined satellite signal transmission range and an angle equal to one half of the satellite directional reception range outside of the boundaries of the combined satellite signal transmission range.

3. The apparatus of claim 2 further comprising:

(a) a plurality of terrestrial directional transmitters, each transmitting from a different terrestrial transmission location and each transmitting directionally in a limited azimuth range.

4. The apparatus of claim 1 wherein the first frequency is in a range of 12.2 gigahertz to 12.7 gigahertz.

5. The apparatus of claim 1 wherein the first frequency is above 12.2 gigahertz.

6. The apparatus of claim 1 wherein the satellite directional reception range is approximately eighteen (18) degrees.

7. A method for simultaneously providing terrestrial signals on a common frequency with satellite signals transmitted from a satellite, where the satellite is transmitting at a first frequency along a satellite transmission axis extending from the satellite to a terrestrial user location, the method comprising the step of:

(a) transmitting terrestrial signals at the first frequency in a limited azimuth range from a terrestrial transmitter,

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the terrestrial transmitter being located with respect to the user location so as to transmit to the user location along a transmission route which is outside of a satellite directional reception range about the user location, wherein the satellite directional reception range comprises a limited directional range substantially centered on the satellite transmission axis.

8. The method of claim 7 further comprising the step of:

(a) transmitting terrestrial signals at the first frequency and within a limited terrestrial azimuth range from a plurality of terrestrial transmitters at different locations.

9. The method of claim 7 wherein the first frequency is in the range of 12.2 gigahertz to 12.7 gigahertz.

10. The method of claim 7 wherein the first frequency is above 12.2 gigahertz.

11. The method of claim 7 wherein the satellite directional reception range is approximately eighteen (18) degrees.

12. An apparatus for facilitating the use of terrestrial transmitted signals which are transmitted on a common frequency simultaneously with satellite signals transmitted from a satellite, the satellite transmitting satellite signals at a first frequency to a terrestrial user location along a satellite transmission axis, the apparatus comprising:

(a) a terrestrial transmitter for transmitting terrestrial signals at the frequency to the user location, the terrestrial transmitter being located with respect to the user location such that the terrestrial transmitter transmits to the user location along a route which is outside of a satellite directional reception range about the user location, wherein the satellite directional reception range comprises a limited directional range substantially centered on the satellite transmission axis; and

(b) a terrestrial receiving antenna at the user location for receiving signals at the first frequency only within a terrestrial directional reception range about a centerline of the terrestrial antenna, the terrestrial antenna being aligned to receive signals transmitted at the first frequency from the terrestrial transmitter location, and being aligned so that the satellite transmission axis is outside of the terrestrial directional reception range.

13. The apparatus of claim 12 wherein satellite signals are transmitted from a plurality of satellites in geosynchronous orbit, each satellite separated from each other satellite in a geosynchronous arc by an angle greater than an angle equal to one half of the satellite directional reception range and the satellites together transmit satellite signals to the user location only within a combined satellite signal transmission range about the user location, and wherein:

(a) the terrestrial transmitter transmits only in directions which are outside of the combined satellite signal transmission range and an angle equal to one half of the satellite directional reception range outside of the boundaries of the combined satellite signal transmission range.

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14. The apparatus of claim 13 further comprising:

(a) a plurality of terrestrial transmitters each transmitting from a different terrestrial transmission location and each transmitting directionally in a limited azimuth range.

15. The apparatus of claim 12 wherein the first frequency is in a range of 12.2 gigahertz to 12.7 gigahertz.

16. The apparatus of claim 12 wherein the first frequency is above 12.2 gigahertz.

17. The apparatus of claim 12 wherein the satellite directional reception range is approximately eighteen (18) degrees.

18. An apparatus for simultaneously transmitting terrestrial signals on a common frequency with satellite signals transmitted from a satellite, the satellite transmitting satellite signals at a first frequency to a user location for reception only within a satellite directional reception range about the user location, the apparatus comprising:

(a) a terrestrial for transmitting terrestrial signals at the first frequency from a fixed terrestrial location which forms a fixed geometry with the user location and the satellite, the terrestrial transmitter being located with respect to the user location such that the terrestrial transmitter transmits to the user location along a route which is outside of the satellite directional reception range about the user location.

19. The apparatus of claim 18 wherein satellite signals are transmitted from a plurality of satellites in geosynchronous orbit, each satellite separated from each other satellite in a geosynchronous arc by an angle greater than one half of the satellite directional reception range and the satellites together transmit satellite signals to the user location only within a combined satellite signal transmission range about the user location, and wherein:

(a) the terrestrial transmitter transmits only in directions which are outside of the combined satellite signal transmission range and an angle equal to one half of the satellite directional reception range outside of the boundaries of the combined satellite signal transmission range.

20. The apparatus of claim 18 further comprising:

(a) a plurality of terrestrial transmitters, each transmitting from a different fixed terrestrial transmission location which forms a fixed geometry with the satellite and the user location.

21. The apparatus of claim 18 wherein the first frequency is in a range of 12.2 gigahertz to 12.7 gigahertz.

22. The apparatus of claim 18 wherein the first frequency is above 12.2 gigahertz.

23. The apparatus of claim 18 wherein the satellite directional reception range is approximately eighteen (18) degrees.

\* \* \* \* \*

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January 22, 2001

**Via Facsimile**

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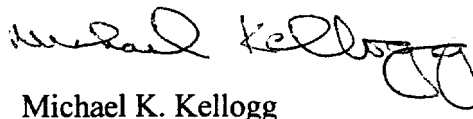
**Re: Proposed licensing agreement for Northpoint Technology patents**

Dear Mr. Franca:

Per your discussion with Toni Cook Bush of Northpoint Technology, Ltd., I send the enclosed proposed licensing agreement. If you have any questions, please do not hesitate to contact me.

Copies of this letter and the enclosed proposed license will be filed with the Secretary as an *ex parte* submission in accordance with 47 C.F.R. § 1.1206.

Yours sincerely,

  
Michael K. Kellogg

enclosure

cc: Rebecca Dorch, Deputy Chief, Office of Engineering and Technology

## **LICENSE AGREEMENT**

This Agreement is effective as of January \_\_\_, 2001, and is made by and between

### **NORTHPOINT TECHNOLOGY, LTD.**

(hereinafter "Northpoint"), a limited partnership having an office at 111 Congress Avenue, Suite 2530, Austin, Texas 78701, and

### **THE FEDERAL COMMUNICATIONS COMMISSION**

(hereinafter the "FCC"), an agency of the Government of the United States of America, having an office at The Portals, 445 Twelfth Street, Washington, D.C. 20554.

#### **Recitals:**

- A. Northpoint owns the entire right, title and interest in and to United States Patent No. 5,761,605, United States Patent No. 6,169,878, as well as other patents and pending patent applications in the field of terrestrial transmission of signals on a common frequency with direct broadcast satellite signals (hereinafter the "Patents").
- B. Northpoint is affiliated with Broadwave Albany LLC, et al. (hereinafter "Broadwave USA"), applicants before the FCC to provide terrestrial service in the 12.2-12.7 GHz Band using technology described and claimed in the Patents (hereinafter the "Northpoint Technology")
- C. The FCC is to conduct an independent demonstration of the Northpoint Technology in order to comply with Section 1012 of H.R. 5548, which was recently enacted as part of the Omnibus Consolidated Appropriations Act, Pub. L. 106-553, 114 Stat. 2762 (2000) (hereinafter "Section 1012").
- D. Northpoint is willing to grant a license to the FCC under the Patents for the use of the Northpoint Technology solely for the purpose of conducting an independent demonstration of the Northpoint Technology pursuant to Section 1012, under the terms and conditions set forth herein.

#### **NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties as follows:**

(1) Northpoint hereby grants to the FCC a royalty-free, nonexclusive, nontransferable license under the Patents to use, and have used for it, the Northpoint Technology solely for the purpose of conducting or having conducted for it an independent demonstration of the Northpoint Technology pursuant to Section 1012, provided that:

- (a) The demonstration and its results shall be used by the FCC solely for the purpose of arriving at a determination regarding the pending applications of Broadwave USA; and

- (b) Neither the demonstration nor its results shall be used or relied upon by the FCC in its determination as to whether any terrestrial service in the direct broadcast satellite frequency band proposed by any other applicant would cause harmful interference with any direct broadcast satellite service.

(2) The FCC accepts the license granted hereby, and acknowledges and agrees to the foregoing conditions on which it is granted. The FCC further acknowledges and agrees that:

- (a) The FCC holds no other license, express or implied, under the Patents; and
- (b) The license granted hereby does not extend to the use of the Northpoint Technology by or for the FCC for testing in connection with the application of any other present or future applicant before the FCC, including, without limitation, PDC Broadband Corporation and Satellite Receivers, Ltd., and any such use is not authorized.

(3) This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

**IN WITNESS WHEREOF** the parties have caused this Agreement to be executed by their duly authorized representatives, effective as of the date first set forth above.

**NORTHPOINT TECHNOLOGY, LTD.**

**FEDERAL COMMUNICATIONS  
COMMISSION**

By: \_\_\_\_\_  
Antoinette Cook Bush  
Executive Vice President

By: \_\_\_\_\_